THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.20974 OF 1999

ORAL ORDER:

This writ petition is filed with the following prayer.

> "..to issue a *Writ of Mandamus* directing the respondents 1 and 2 not to issue a licence for operating the Tobacco Barn registered as TB.No.18-183-010 at Tobacco Board, Jangareddygudem village until the resolution of the dispute between the petitioner and the 3rd respondent in O.S.No.9 of 1998 on the file of the Court of the Spl. Assistant Agent to the Government of Andhra Pradesh (RDO), Kovvur, West Godavari District is settled or in the alternative direct the respondents 1 and 2 to issue a Barn operating licence in the joint names of the petitioner and the 3rd respondent …"

Though, initially, this Court granted interim direction to the respondents 1 and 2 not to issue Barn operating licence in favour of the 3rd respondent in respect of Tobacco Barn in question pending disposal of writ petition, subsequently, after hearing both the parties, the said order was vacated on 2.3.2000. The order dated 2.3.2000 made in W.V.M.P.No.372 of 2000 is as under:

> " There is a dispute of ownership about the Barn between the petitioner herein and the 3rd respondent. Therefore, the petitioner represented that the 3rd respondent should not be granted the necessary licence by the Tobacco Board. It is averred in the writ petition that there is a civil suit in O.S.No.9/98 on the file of the Court of the Special Assistant Agent to the Government (RDO, Kovvur, West Godavari District) filed by the 3rd respondent. Initially an interim order up to 30th April, 1999 was granted. Thereafter the interim injunction extended and no further orders are passed in the above mentioned suit. Therefore the grant of the licence in favour of the 3rd respondent is contrary to the provisions 17 of the Criteria framed for registration of Growers and Barn Holders formulated by the Tobacco Board i.e., the first respondent. In view of the assertion that there was no interim injunction in favour of the 3rd respondent, obviously, at the stage of admission interim directions were granted by this Court on 19.1.2000. Now a counter affidavit and vacate stay petition is filed. It is asserted in the counter affidavit that interim injunction was in fact extended up to 30th April, 1999 in I.A.No.13 of 1998 in O.S.No.9 of 1998 dated 22.5.1999. A

copy of the said order is placed before the Court. In the circumstances, I see no reasons to continue the interim orders granted earlier and the same is vacated."

Having regard to the above said order, no further adjudication is necessary in the main writ petition. Accordingly, the writ petition is disposed of leaving it open to both the parties to pursue O.S.No.9 of 1998 pending on the file of the Court of the Special Assistant Agent to the Government (RDO), Kovvur, West Godavari District. No costs.

(G. ROHINI).

13th April, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.20974 OF 1999

13th April, 2007.

Between:

Peddamurthy Venkaiah. .. Petitioner.

And

The Tobacco Board, represented by its
Chairman, Guntur, and others. .. Respondents.